REMARKS

Claims 1-4, 6-14, 16-41, and 43-70 remain in the application with claims 1 and 38 in independent form.

Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 7 has been amended to reintroduce its appropriate 'dependency'. In view of this amendment, it is believed that the Examiner's § 112 rejection of claims 7 and 8 is overcome.

Claims 1-4, 6-14, 16-41, and 43-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuya et al. (JP 2000-271534) as generally recited in the prior Office Action in view of Yonetani (United States Patent No. 5,698,301) and in further view of Spencer et al. (United States Patent No. 6,242,056), Murayama et al. (United States Patent No. 5,424,006), Schimmel et al. (United States Patent No. 5,585,427), and Zhao et al. (United States Patent No. 6,036,999).

In this rejection, the Examiner acknowledges that the prior art does not disclose, teach, or suggest "that the phosphorescent pigment can be included within the clear coat of the composite film". To this end, the Examiner introduces Yonetani and contends that Yonetani teaches a phosphorescent coating system wherein phosphorescent pigment, namely SrAl₂O₄, is included in "a transparent resin layer" to provide a phosphorescent coating layer on an article. The Applicant respectfully traverses this contention made by the Examiner and argues that, due to the misinterpretation of the prior art, the Examiner has not established the requisite *prima facie* case of obviousness. Simply stated, the phosphorescent pigment of Yonetani is not included in the transparent resin layer. Instead, it is included in the phosphorescent layer (see Abstract of Yonetani specifically stating that "[i]t uses SrAl₂O₄ as a phosphorescent pigment <u>to be incorporated in the phosphorescent layer..."</u> (emphasis added)).

More specifically, referring to Figures 1-3 of Yonetani, Yonetani discloses a phosphorescent article generally having three layers: a phosphorescent layer; a transparent resin layer; and a reflective layer. From top to bottom, the phosphorescent

U.S.S.N. 09/932,802 IN-5521

article of Yonetani includes the transparent resin layer (top), the phosphorescent layer (middle), and the reflective layer (bottom). As stated above, the phosphorescent pigment

is incorporated into the middle, phosphorescent layer...not the top, transparent resin

layer. Thus, Yonetani teaches nothing more than the prior art that the Applicant has

already overcome, specifically prior art that incorporates a phosphorescent pigment into

some layer other than the outermost layer so as to achieve adequate appearance.

In contrast, the invention as claimed in independent claims 1 and 38 requires that

the clearcoat composition (i.e., the equivalent to the transparent resin layer of Yonetani)

include the phosphorescent pigment such that exposure of the phosphorescent pigment to

an external incident energy source is maximized.

In view of the remarks set forth above, the Examiner has not established the

requisite prima facie case of obviousness because the prior art references, taken

individually or in combination, do not disclose, teach, or otherwise suggest the invention

claimed in independent claims 1 and 38. As such, these claims are allowable and the

remaining claims depend either directly or indirectly from the non-obvious features of

these amended claims such that the dependent claims are also allowable.

It is respectfully submitted that the Application is now presented in condition for

allowance, which allowance is respectfully solicited.

No fees are believed to be due. However, if necessary, the Commissioner is

authorized to charge Deposit Account No. 08-2789 for any additional fees or to credit the

account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Date: September 17, 2004

David M. LaPrairie, Registration No. 46,295

The Pinehurst Office Center, Suite 101

39400 Woodward Avenue

Bloomfield Hills, Michigan 48304-5151

(248) 723-0442

CERTIFICATE OF MAILING

I hereby certify that the attached Response and return post card are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 17, 2004.

Brenda J. Hughes

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